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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/897,076	07/18/97	MCGEENEY	J NCI-1001

MITCHELL P. BROOK  
BAKER AND MCKENZIE  
THE WELLS FARGO PLAZA  
101 WEST BROADWAY -TWELFTH FLOOR  
SAN DIEGO CA 92101

OM11/1123

EXAMINER

BLAU, S

ART UNIT	PAPER NUMBER
3711	8

DATE MAILED: 11/23/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/897,076

Applicant(s)  
McGeeney

Examiner  
Stephen Blau

Group Art Unit  
3711



☒ Responsive to communication(s) filed on Oct 16, 1998

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-22 and 53-74 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 53-62 is/are allowed.

☒ Claim(s) 1-22 and 63-74 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Sep 21, 1998 is ☒ Approved ☐ Disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

## DETAILED ACTION

### *Drawings*

1. The fromal drawings submitted on 9/21/98 have been approved by the draftsman.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 9-13, 19-22, 63-64, and 71-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shira (5,669,825) in view of Hussey and LaCoste.

Shira discloses a putter with a heel and tow being made of a more dense material than a center to reduce twisting or rotation of a putter if a ball is hit off center (Col. 3 Lns. 20-27) and that processes other than powder metallurgy technology could also be used for some components (Col. 3 Lns. 33-40).

Art Unit:

The difference between the claims and Shira are that Shira does not disclose a center segment being formed of a homogenous composition of polyurethane, and a center segment being homogenous substantially entirely along at least one plane perpendicular to a striking face.

Hussey discloses metallic and non-metallic components being adhered together to form a head (Col. 5 Lns. 4-31) and a center segment being homogenous substantially entirely along at least one plane perpendicular to a striking face (Fig. 3) in order to increase an inertia effect of a head (Abstract). LaCoste discloses a head made out of polyurethane in order to have a hard and impact resistant head (Col. 4 Lns. 23-26).

In view of the patent of Hussey it would have been obvious to modify a putter of Shira to have non-metallic and metallic segments adhered together and a center segment being homogenous and non-metallic substantially entirely along at least one plane perpendicular to a striking face in order to increase an inertia effect of a head.

In view of the patent of LaCoste it would have been obvious to modify a putter of Shira to have a non-metallic material for a center segment being made of polyurethane in order to have a hard and impact resistant center segment for impacting a ball.

4. Claims 3-8, 14-18, and 65-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shira (5,669,825) in view of Hussey and LaCoste as applied to claims 1-2, 9-13, 19-22, 63-64, and 71-74 above, and further in view of Coughlin.

Art Unit:

Shira discloses a first and second metallic materials each comprising at least two metals and a first metal being dispersed in a matrix of a second metal in a form of a tungsten alloy (Col. 3 Lns. 45-50).

The differences between the claims and Shira are that Shira does not disclose a first and second metallic materials each having a final alloy density of at least 7 grams per cubic centimeter, a final alloy density of 7 to 13 grams per cubic centimeter, a final alloy density of 9 to 11 grams per cubic centimeter, a final alloy density of approximately 10 grams per cubic centimeter, a first metal having a density of at least 10 grams per cubic centimeter, a first metal having a higher density than a second metal, and a second metal being selected from copper based alloys.

Coughlin discloses metallic weights placed at toe and heel sections having a first and second metallic materials each comprising at least two metals, a first metal dispersed in a matrix of a second metal, and a first metal having a higher density than a second metal in a form of brass or bronze (Col. 2 Lns. 60-64). In addition, Coughlin discloses having a heavy material as lead which has a density of at least 10 grams per cubic centimeter and steel or any other material (Col. 2 Lns. 60-64). Clearly an artisan skilled in the art of making heavy weights of material to be placed at toe and heel parts of a head to balance a head would have selected a suitable material which has a suitable density in which a material of lead brass and densities as defined by the claims are included.

Art Unit:

It would have been obvious to modify a head of Shira to have a toe and heel being made of lead brass and to have densities as defined by the claims in order to utilize the characteristic properties of lead brass and to balance a head to meet the requirements of a specific player.

The densities selected for a heel and toe segments as disclosed by the specification are not considered as critical to the practice of the invention and as such are given little patentable weight.

*Allowable Subject Matter*

5. Claims 53-62 are allowed.

*Response to Amendment*

6. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

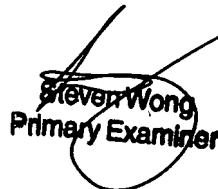
Art Unit:

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Mark Graham whose telephone number is (703) 308-1355. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

slb/ 11/19/98



Steven Wong  
Primary Examiner